

Public Comment Summary Proposed Elk Season Guidelines (“Shoulder Seasons”) October 8, 2015

Introduction

Montanan Fish, Wildlife and Parks (FWP) received comments to proposed Elk Season Guidelines/Shoulder Seasons via the FWP website, email, and hard copy mail. The formal comment period was initiated June 11, 2015 with the Fish and Wildlife (FW) Commission’s initial adoption and ran through August 28, 2015. An “interested person” letter describing the proposal, comment process, and deadline was posted on the FWP website and mailed/emailed to a list of interested parties including all of Montana’s 56 counties and Tribes. Press releases were also distributed.

This summary focuses on nearly 1100 comment entries received. The vast majority of comments were from Montana residents. Comment entries included unique inputs as well as repeated themes. Comments were forwarded to regional FWP staff and the FW Commission.

The proposal enjoyed relatively equal amounts of supporting and opposing comments. Not a numerical tabulation, this summary identifies rationales, values, topics, themes, questions, and concerns that surfaced repeatedly in public comment. It also offers brief FWP responses to those public inputs. As a general summary, it is not intended to replace, dismiss, or represent in detailed fashion the comments received. Rather this summary has been assembled to assist all parties recognize consistent elements of public comment so that those elements at least may be well considered in the final proposal and decision. This is not to dismiss other inputs.

Specific Questions, Themes, and Concerns

Concern over commercialization of wildlife; violates Public Trust and will lead to Ranching for Wildlife; a “slippery slope” with no return; will make elk populations and distributions worse

FWP Response: The proposed guidelines include checks and balances to maintain public trust responsibilities alongside private property rights. These include harvest criteria, fundamental objectives addressing elk population status and distribution, public review, and sunset dates for shoulder season proposals. These elements are to help maintain any shoulder season as a complement to the existing general season and not as an end objective itself. The proposal does not include landowner licenses that may be transferred or sold by the landowner.

Landowners will select bull hunters and will sell the hunts

FWP Response: Any bull hunting during a shoulder season would be via randomly drawn permits issued by FWP.

Will ruin bulls and bull hunting; don't include bulls

FWP Response: The final proposal does not require bull hunting during shoulder seasons. FWP initially included bulls to address the numerical contribution by bulls to total elk numbers and to address public concern that shoulder seasons were only public "clean up" hunts for antlerless elk. Given public opposition population control in the final proposal focuses on the reproductive antlerless component of the population and will not aggressively target bull elk as part of the overall population size.

Early shoulder seasons will ruin archery season

FWP Response: FWP recognizes the value placed on the existing archery only season by many members of the public. However, the early season is a potentially rich opportunity to harvest elk on private land. The final proposal limits early shoulder seasons to private land only with the exception of small amounts of public lands included as a result of clear and effective boundary definitions. For example, a U.S. Forest Service Administrative boundary may require some public lands (to include State of Montana Department of Natural Resources and Conservation and the Bureau of Land Management) to be grouped with private lands in an early shoulder season. FWP Wildlife Management Areas would not be included in any early shoulder seasons. An early shoulder season mostly on private lands would not require archers during the archery only season to wear hunter orange. A rifle hunter during an early shoulder season would be required to wear hunter orange.

Harvest criteria require too much general season harvest

FWP Response: Given the relatively low harvest success rate for elk and the magnitude of harvest necessary to reduce some elk populations currently over objective, population reduction will require the sum total of all available harvest days. As technical inputs from FWP, harvest criteria linked to annual recruitment identifies the minimum harvest necessary to keep pace with annual population growth. Further, the existing general archery and rifle seasons are an enormous public value and the primary population management tool for Montana. The proposed shoulder seasons are to augment and maintain rather than replace these general seasons. Harvest criteria also incorporate general seasons to reduce potential for shoulder seasons to exacerbate rather than help problematic numbers and distributions of elk. That the criteria describe a general season harvest greater than is currently realized in many areas provides valuable insight as to how elk numbers have grown to current levels.

Don't have three years of criteria data; should be entry criteria

FWP Response: For any initial shoulder season in a given area harvest criteria are not entry criteria but start after the shoulder season is implemented. FWP has interest in achieving greater harvest sooner rather than later. In this light, proposed guidelines would make shoulder seasons immediately available for implementation with specific proposals still needing additional Commission and public review. Public concern is addressed not only by harvest criteria but by proposed sunset dates for shoulder seasons and fundamental objectives to assess overall effectiveness. While proposed guidelines allow for specific shoulder seasons to be removed during any season setting process if conditions support that decision, most decisions would benefit from three years of data to allow for local circumstances adjusting to a new shoulder season. Any subsequent proposals to re-instate shoulder seasons in a specific area are proposed to treat harvest criteria as entry criteria.

Not all hunting districts need shoulder seasons

FWP Response: Correct. The proposed guidelines emphasize general seasons and identify shoulder seasons only as options available for potential implementation in specific areas. The guidelines do not require shoulder seasons in any one hunting district.

Shoulder seasons will disguise and perpetuate the real problem of too-restricted access to elk; seasons are not the problem

FWP Response: To the contrary, process described in proposed guidelines will ultimately identify for further commission and public consideration those areas where additional opportunity during shoulder seasons is met with too-little harvest during the general season or is unable to produce enough total harvest to cap and reduce the elk population.

Shoulder seasons will bypass existing landowner incentives to provide access; no mechanism to improve harvest or access

FWP Response: Given existing harvest and over objective population levels, current incentives including game damage eligibility are not providing sufficient access. Proposed guidelines are based upon the premise that there is a minimum common interest in reduced elk populations among landowners. This fundamental tenet portrays the shoulder season itself as an opportunity if not also an incentive to provide more access to realize more harvest to move the population to objective. The incentive element is manifest in the proposal's criteria, fundamental objectives, review process, and sunset dates designed to monitor effectiveness and identify where to keep or remove shoulder seasons. In short, shoulder seasons and the ability to keep them in place as tools to reduce population size are functional incentives for access where landowners prioritize reducing elk populations to objective.

Elk objectives are too old

FWP Response: While the current Elk Plan is ten years old, current objectives are not necessarily “too old”. While “new” landowners might represent more elk tolerance, traditional landowners concerned with game damage and disease remain a significant part of landowner tolerance identified in state law. Further, FWP is currently being criticized in regards to elk management and the Department has been cautioned against adjusting objectives at this time. FWP is proposing guidelines for shoulder seasons to improve elk management and landowner perceptions of the agency’s management effectiveness. Any revisit to the Elk Plan and elk objectives stands to be better received if elk management and landowner perceptions are so improved.

Elk objectives should be based solely on habitat capacity

FWP Response: State law requires FWP consider landowner tolerance in addition to habitat when developing elk management objectives. Objectives cannot be solely based on physical habitat capacity.

FWP should not count inaccessible elk and should implement antlerless only seasons

FWP Response: FWP considers elk distribution when setting seasons and is sensitive to overharvest of elk on public lands. This is evident in hunting districts where harvest opportunities are more liberal on private land than on public land. Beyond this, not counting inaccessible elk is problematic in that it does not necessarily drive efforts to reduce populations causing game damage on neighboring properties. While antlerless only seasons have not been widely implemented to date, they do remain an option not precluded by this proposal. Given anticipated opposition from landowners and public bull hunters alike, FWP currently views shoulder seasons as a better next step. The call for antlerless only seasons will likely grow if shoulder seasons do not perform well.

FWP cannot measure and communicate the necessary information for shoulder season harvest criteria and their evaluation

FWP Response: Given shoulder seasons would be applied at the hunting district scale (typically on private land), harvest surveys can provide general season and shoulder season harvest estimates. Existing survey information and other data/literature will be the basis for recruitment estimates. This data will be posted annually on the FWP public website. FWP does recognize some refinement over time may be necessary to improve recruitment estimates and post information in a clear and concise format.

Elk calves are too young and small to survive potential harvest of the lactating cow in August

FWP Response: Researched data confirm elk become functional ruminants at two months of age (August) and are able to eat herbaceous forage. If an orphaned calf is able to maintain contact with the herd there is good chance for survival. There may be situations where calves become separated from the group or suffer a particularly harsh winter. Current game damage and management seasons have not highlighted this circumstance as a significant source of mortality. Further, August 15 to the beginning of archery can be a very busy game damage window. Early shoulder seasons starting August 15 stand to alleviate that damage.

Just “clean up” hunts for antlerless elk by the general public

While the original proposal looked to broadly include bulls in shoulder seasons public comment spoke against late season bull harvest. While some hunters do not support late antlerless hunts other hunters appreciate the extended opportunity and potential cow elk harvest. General season harvest criteria do maintain the importance and value of the general season.

Needs an Environmental Impact Statement (EIS)

As with previous shoulder season decisions, FWP has addressed this proposal through Commission process. This is consistent with other season-setting elements. Beginning with initial introduction at the June 11, 2015 Commission meeting the proposal has enjoyed wide public review and input typical of other season-setting efforts. That public opportunity for input and Commission review will conclude at the October 8, 2015 Commission meeting. In contrast to an EIS, Commission process offers the public more opportunities for input over time.

The proposal only placates landowners and legislature with no benefit to hunters

As a benefit, hunters would experience additional opportunity to harvest an elk. The proposed criteria and fundamental objectives do address hunter concerns. Managing with the intent to reach objective is state law and reflects Department accountability and commitment. Where FWP is thus responsive relations across all parties tend to improve—often to the benefit of wildlife and hunters.

Seasons are long enough; concern about landowners and elk and other non-hunting recreationists

Some public inputs expressed concern that hunting elk during winter can be harmful as elk are challenged by limited forage and cold weather/snow. Elk are effective winter survivors with no consistent or significant mortality identified from late hunts. Public inputs also confirm some landowners are already over-tired of long hunting seasons

that begin August 15. Given this, landowner support will be critical when considering any specific shoulder season proposal.

Shoulder seasons undermine game damage eligibility

The proposed guidelines do not adjust landowner eligibility to receive game damage assistance. That process reviews access levels during the general seasons—not just during a shoulder season. While shoulder seasons may essentially replace some early and late game damage hunts and management seasons those tools are better-suited to directly address game damage rather than reduce elk populations. It remains to be seen if proposed shoulder season guidelines will result in greater management effectiveness relative to population management. Whether they are ineffective or result in moving populations to objective, most shoulder seasons stand to be removed over time. Game damage hunts and management seasons remain as options.

Shoulder seasons will ruin public land hunting

Early shoulder seasons focused on private land could potentially enhance elk abundance and harvest opportunities on adjacent public lands. Late shoulder seasons would focus primarily on private lands but could potentially include public land if elk movement to public land effectively precludes harvest. Any public land hunting would be designed to prevent overharvest of elk using public land.

Too much discretion by local FWP staff

While some amount of flexibility is appropriate to address the many local circumstances across Montana, the proposed guidelines do apply outside limits to that discretion.

There is a “loop hole” in the criteria

The proposed guidelines do allow a shoulder season to be proposed or maintained independent of harvest criteria. In place of harvest criteria is the requirement for clear and expressed support from landowners, hunters, the agency, and commission. This recognizes the value of diverse local working groups and respects the season options they might collaboratively identify and support. The Devil's Kitchen Working Group is one prime example that describes the intended level of collaboration. Individual voices of support would not reflect this definition and intent. Fundamental objectives will be used to help evaluate these kinds of shoulder seasons.